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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,872	11/12/2003	LeNoir E. Zaiser	2173.2005-001	6736

21005 7590 02/24/2006

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EXAMINER

PATEL, NIHIR B

ART UNIT PAPER NUMBER

3743

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1, 3, 4, 11 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chabert (US 5,038,774) in view of Ruchti (US 4,266,538). **Referring to claims 1, 3, 11 and 13**, Chabert discloses the applicant's invention as claimed with the exception of providing an adjustment member that can be selectively positioned by the user. Ruchti discloses an apparatus that does provide an adjustment member that can be selectively positioned by the user. Therefore it would have been obvious to modify Chabert's invention by providing an adjustment member that can be selectively positioned by the user as taught by Ruchti so that the user can adjust the regulator to their requirements.

**Referring to claims 4 and 14**, Chabert discloses an apparatus in which the volume adjustment device includes an adjustment piston **8 (see figure 1)**.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nihir Patel whose telephone number is (571) 272-4803 can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nihir Patel  
February 15<sup>th</sup>, 2006

Henry Bennett  
Supervisory Patent Examiner  
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